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10/735,007	12/12/2003	Won Ho Chun	2080-3-202	2302
35884 7590 08/06/2008 LEE, HONG, DEGERMAN, KANG & SCHMADEKA 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017				
EXAMINER ZHAO, DAQUAN				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,007

Applicant(s)

CHUN, WON HO

Examiner

DAQUAN ZHAO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/5/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/5/2008 have been fully considered but they are not persuasive.

2. For claims 1, 2, 7, and 8:

On pages 9-10 of the remark, applicant argues Ko fails to teach "selecting a broadcast program to be recorded via broadcast information associated with the color code of the medium. The examiner disagrees.

Ko teaches, in column 1, line 36- column 2, line 15 and column 5, lines 24-38 and figures 5-7, a "broadcasting guide information" display through the display portion 16. User uses the "broadcasting guide information" to reserve the broadcasting program for recording. The "broadcast guide information" displays the reserved-recording TV programming in different color. Therefore, the "broadcasting guide information" corresponds to the claimed "broadcast information", and the "broadcasting guide information" has color code to associate with the reserved-recording TV programming, wherein the reserved-recording TV programming corresponds to the claimed "medium" (media) since the instant application does not define "medium".

On pages 10-11 of the remark, applicant argues Ward et al fail to teach "selecting a broadcast program to be recorded via broadcast information associated with the color code of the medium. The examiner disagrees.

Ward et al teach an EPG uses color-code to categorizes programs according to a plurality of themes, see paragraph 192-193 and user can reserve program for recording

through the EPG, see paragraph 136-137. Therefore, the EPG corresponds to the claimed "broadcast information" and the EPG associated with the color codes of TV programs according to plurality of themes, wherein the "TV programs" corresponds to the claimed medium (media) since the instant application does not define "medium".

For claims 16 and 17:

Applicant argues, on page 13, the combination of Ward et al and Tani fails to teach "photographing a color code comprising broadcast program information". The examiner disagrees.

Ward et al teach an EPG uses color-code to categorizes programs according to a plurality of themes, see paragraph 192-193 and user can reserve program for recording through the EPG, see paragraph 136-137. Therefore Ward et al teach a color code comprising broadcast program information because the code-code represents the themes of the TV programs. However, Ward et al fail to teach the color-code is "a photographing color code". Tani teaches "a photographing color code". It would have been obvious to one ordinary skill in the art at the time the invention was made to try to use the photographing color code of Tani to replace the color code of Ward et al to represent the same themes of the TV programs as Ward et al (see KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007), Obvious to try).

For claims 13 and 14:

Applicant argues, on page 14, the combination of Goldman and Tani fails to teach "photographing a color code comprising broadcast program information". The examiner disagrees.

Goldman teaches in paragraphs 11-12 a color- code associated with a TV shows that the buddy of the user is watching in the EPG. Therefore Goldman teaches a color code comprising broadcast program information. However, Goldman fails to teach the color-code is "a photographing color code". Tani teaches "a photographing color code". It would have been obvious to one ordinary skill in the art at the time the invention was made to try to use the photographing color code of Tani to replace the color code of Goldman to represent the same themes of the TV programs as Ward et al (see KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007), Obvious to try).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For claim 1, there's no support in the specification for "the color code of the medium".

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Claims 2-6 are also affected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 7, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Ko (US 7,051,280 B1).

For claim 1, Ko teaches a broadcast apparatus for processing a medium comprising a color code, the apparatus comprising: a broadcast reserve-recording unit, wherein the broadcast reserve-recording apparatus selects a broadcast program to be recorded via broadcast information associated with the color code of the medium (Ko teaches, in column 1, line 36- column 2, line 15 and column 5, lines 24-38 and figures 5-7, a "broadcasting guide information" display through the display portion 16. User uses the "broadcasting guide information" to reserve the broadcasting program for recording. The "broadcast guide information" displays the reserved-recording TV programming in

different color. Therefore, the "broadcasting guide information" corresponds to the claimed "broadcast information", and the "broadcasting guide information" has color code to associate with the reserved-recording TV programming, wherein the reserved-recording TV programming corresponds to the claimed "medium" (media) since the instant application does not define "medium")

Claim 7 is rejected for the same reasons as discussed in claim 1 above.

For claims 2 and 8, reserve-recording information of the user-desired broadcast program is read from EPG (Electronic Program Guide) data corresponding to the color code and the read reserve-recording information is recorded on a reserve-recording list of the television (e.g. column 4, lines 21-37, and figure 5, user can look at the color of the TV programs to obtain the reserve-recording information).

2. Claims 1, 2, 7, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ward et al (US 2005/0,010,949 A1).

For claim 1, Ward et al teach a broadcast apparatus for processing a medium comprising a color code, the apparatus comprising: a broadcast reserve-recording unit, wherein the broadcast reserve-recording apparatus selects a broadcast program to be recorded via broadcast information associated with the color code of the medium (Ward et al teach an EPG uses color-code to categorizes programs according to a plurality of themes, see paragraph 192-193 and user can reserve program for recording through the EPG, see paragraph 136-137. Therefore, the EPG corresponds to the claimed

"broadcast information" and the EPG associated with the color codes of TV programs according to plurality of themes, wherein the "TV programs" corresponds to the claimed medium (media) since the instant application does not define "medium").

Claim 7 is rejected for the same reasons as discussed in claim 1 above.

For claims 2 and 8, reserve-recording information of the user-desired broadcast program is read from EPG (Electronic Program Guide) data corresponding to the color code and the read reserve-recording information is recorded on a reserve-recording list of the television (e.g. paragraphs [0150]-[0151] and paragraph [0192]-[0193], user can look at the color of the TV programs to obtain the reserve-recording information).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 2005/0,010,949 A1) as applied to claims 1, 2, 7, 8 above, and further in view of Kaizu et al (US 2002/0,097,985 A1).

For claims 3 and 9, Ward et al fail to teach a reserve-recording completion message. Kaizu et al teach a reserve-recording completion message (e.g. paragraph [0128], recording end time). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaizu et al into the teaching of Ward et al for user's convenience.

5. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko (US 7,051,280 B1) as applied to claims 1, 2, 7, 8 above, and further in view of Kaizu et al (US 2002/0,097,985 A1).

For claims 3 and 9, Ko fails to teach a reserve-recording completion message. Kaizu et al teach a reserve-recording completion message (e.g. paragraph [0128], recording end time). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaizu et al into the teaching of Ko for user's convenience.

6. Claims 4, 6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko (US 7,051,280 B1) and Kaizu et al (US 2002/0,097,985 A1), as applied to claims 1, 2, 3, 7, 8 and 9 above, and further in view of Tani (US 2004/0,041,026 A1).

See the teaching of Ko and Kaizu et al above.

For claims 4 and 10, Ko teaches a means for storing the EPG (Electronic Program Guide) data (e.g. column 1, lines 56-64);

a means for receiving EPG data corresponding to the value of the photographed color code or gray code from the EPG data storing means (e.g. column 5, lines 24-37, the title "titanic" corresponds to the "EPG data" which is identified by the violet color), parsing the user-desired reserve-recording information from the received EPG data (e.g. column 2, lines 7-15) ; and recording the parsed reserve-recording information on the reserve-recording list (e.g. system must have storage for storing the "reserve-recording" program, column 5, lines 33-37).

However, Ko and Kaizu et al fails to teach a means for photographing a color code or a gray code having the broadcast program information; Tani teach a means for photographing a color code or a gray code having the broadcast program information (e.g.figure 3, CCD camera, paragraph [0029]-[0030]); It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Tani into the teaching of Ko and Kaizu et al to increase the density for the information to be recorded (Tani, paragraph [0002]-[0004]).

For claims 6 and 12, Ko teaches a broadcast data and broadcast time of the broadcast program (e.g. figure 7, "today: 99.6.1(Mon.)").

7. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ko (US 7,051,280 B1), Kaizu et al (US 2002/0,097,985 A1) and Tani (US 2004/0,041,026 A1), as applied to claims 1, 2,3,4, 6, 7, 8, 9, 10 and 12 above, and further in view of Ward et al (US 2005/0,010,949 A1).

For claims 5 and 11, Ko, Kaizu et al and Tani fails to teach outputting a message relate to reserve-recording information of the broadcast program on a screen. Ward et al teach outputting a message relate to reserve-recording information of the broadcast program on a screen (e.g. paragraph [0137]). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Ward et al into the teaching of Ko, Kaizu et al and Tani for user's convenience.

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 2005/0,010,949 A1) and further in view of Tani (US 2004/0,041,026).

For claim 16, a method for reserve-recording a tv broadcast program comprising: reading EPG (Electronic program Guide) data corresponding to the color code from a EPG database (e.g. paragraph [0192]-[0193]); parsing reserve-recording information of reserve-recording information of a broadcast program desired to be recorded by a user from the read EPG data (e.g. paragraph [0150]-[0151]); recording the parsed reserve-recording information on a reserve-recording list (e.g. paragraph [0150]-[0151]); and displaying a message related to the reserve-recording information and the reserve-recording list on a screen (e.g. paragraph [0137]). The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope.

Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. See MPEP 2106 [R-6] II. C. the limitations after "for" was not given any patentable weight by the examiner).

Ward et al teach an EPG uses color-code to categorizes programs according to a plurality of themes, see paragraph 192-193 and user can reserve program for recording through the EPG, see paragraph 136-137. Therefore Ward et al teach a color code comprising broadcast program information because the code-code represents the themes of the TV programs. However, Ward et al fail to teach the color-code is "a photographing color code". Tani teaches "a photographing color code". It would have been obvious to one ordinary skill in the art at the time the invention was made to try to use the photographing color code of Tani to replace the color code of Ward et al to represent the same themes of the TV programs as Ward et al (see KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007), Obvious to try).

For claim 17, Ward et al teaches a broadcast date and a broadcast time of the broadcast program (e.g. paragraph [0153]).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 2005/0,010,949 A1) and Tani (US 2004/0,041,026) as applied to claims 16 and 17 above, and further in view of Labeeb et al (US 2003/0,093,792 A1).

For claim 18, Ward et al and Tani fail to teach generating an address indicating the EPG data and reading the EPG data corresponding to the generated address from the previously stored EPG database. Labeeb et al teach generating an address indicating the EPG data and reading the EPG data corresponding to the generated address from the previously stored EPG database (e.g. paragraph [1117] and [1121]). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Labeeb et al into the teaching of Ward et al and Tani to increase the retrieval speed of the EPG data.

10. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman (US 2002/0,112,239 A1) and further in view of Tani (US 2004/0,041,026).

For claim 13, Goldman teaches an apparatus for reserve-recording a TV broadcast program, comprising:

- an EPG (Electronic Program Guide) database for previously storing EPG data (e.g. figure 1, paragraph [0033], [0029]);

- a cable modem for receiving EPG data corresponding to the color code from the EPG database (e.g. figure 6, Modem 66, paragraph [0066]);

- a decoding unit for receiving reserve-recording information of a broadcast program desired to be recorded by a user from the EPG data received from the EPG database through the cable modem, and recording the read reserve-recording information on a reserve-recording list (e.g. figure 6, signal decoder 72); and

a user interface for outputting a message related to the reserve-recording information of the broadcast program and the reserve-recording list through an on screen display on a screen (e.g. e.g. paragraph [0022], paragraph [0039], The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. See MPEP 2106 [R-6] II. C. the limitations after "for" was not given any patentable weight by the examiner).

Goldman teaches in paragraphs 11-12 a color- code associated with a TV shows that the buddy of the user is watching in the EPG. Therefore Goldman teaches a color code comprising broadcast program information. However, Goldman fails to teach the color-code is "a photographing color code". Tani teaches "a photographing color code". It would have been obvious to one ordinary skill in the art at the time the invention was made to try to use the photographing color code of Tani to replace the color code of Goldman to represent the same themes of the TV programs as Ward et al (see KSR International Co. v. Teleflex Inc. (KSR), 550 U.S. ___, 82 USPQ2d 1385 (2007), Obvious to try).

For claim 14, Goldman teaches a broadcast date and a broadcast time of the broadcast program (e.g. paragraph [0034]).

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11. Claims 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman (US 2002/0,112,239 A1) and Tani (US 2004/0,041,026) as applied to claims 13 and 14 above, and further in view of Fries et al (US 7,134,134 B2).

For claim 15, Goldman and Tani fail to teach the decoding unit generates an address indicating EPG data. Fries et al teach decoding unit generates an address indicating EPG data (e.g. column 4, line 66- column 5, line 17). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Fries et al into the teaching of Goldman and Tani to provide more information about the broadcasting TV program to user (Fries et al, column 2, lines 5-17).

For claim 19, Fries et al teach the modem reads EPG data from the EPG database using the generated address and transmits the read EPG data to the decoding unit.

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman (US 2002/0,112,239 A1), Tani (US 2004/0,041,026) and Fries et al (US 7,134,134 B2). as applied to claims 13, 14, 15 and 19 above, and further in view of Ward et al (US 2005/0,010,949 A1).

For claim 20, Goldman, Tani and Fries et al fail to teach the parses reserve-recording information of the broadcast program selected to be recorded from the received EPG data and stores the parsed reserve-recording information to the reserve-recording list. Ward et al teach parses reserve-recording information of the broadcast program selected to be recorded from the received EPG data and stores the parsed

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reserve-recording information to the reserve-recording list (e.g. paragraph 103-104). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Ward et al into the teaching of Goldman, Tani and Fries et al for the user's convenience.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEG § 706.07 (a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing data of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing data of this action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period. Then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing data of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daquan Zhao/
Examiner, Art Unit 2621
Daquan Zhao

/Thai Tran/
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